

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

RICARDO ORTEGA

Plaintiff,

vs.

REDLINE RECOVERY, INC.

Defendant,

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) **Civil Action No. 5:12-cv-00355**
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COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by plaintiff Ricardo Ortega, an individual consumer, against defendant Redline Recovery, Inc. for violations of both the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”) and the Texas Debt Collection Practices Act, § 392 *et seq.* (hereinafter “TDCPA”), which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), and 28 U.S.C. § 1331 and 1337. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff, Ricardo Ortega is a consumer, a natural person allegedly obligated to pay any debt, residing in Bexar County, in the state of Texas.

4. Defendant, Redline Recovery, Inc. is a company engaged in the business of collecting debt in this state with its principal place of business located in Harris County at 5959 Corporate Drive, Suite 1400, Houston, Texas 77036 and maybe served through its agent of process CT Corporation System 350 North St. Paul St., Ste 2900 Dallas, TX 75201-4234. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

IV. FACTUAL ALLEGATIONS

6. Upon information and belief, within one year prior to the filing of this complaint, Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or services which are the subject of the transaction are primarily for personal, family, or household purposes, whether or not such obligation has been reduced to judgment; namely an alleged credit card debt

8. Upon information and belief, Defendant began contacting Plaintiff and placing collection calls to Plaintiff prior to March 27th of 2012.

9. Defendant, within one year of the filing of this complaint, utilized unfair and unconscionable means to try to get payments from Plaintiff, by taking about \$400.00 from his account without his express consent, and by refusing to refund said unauthorized amount to Plaintiff.

10. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in his feeling stressed and angered.

V. FIRST CLAIM FOR RELIEF

11. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

12. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- (a) Defendant violated §1692f(1) of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; namely by collecting an amount that was not expressly authorized by the agreement creating the debt and not permitted by law.

13. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Ricardo Ortega for actual damages, statutory damages, and costs and attorney fees.

VI. SECOND CLAIM FOR RELIEF

14. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

15. Defendant violated TDCPA § 392. Defendant's violations of TDCPA § 392 include, but are not limited to the following:

- a) Defendant violated TDCPA § 392.303(a)(2) by collecting or attempting to collect interest or a charge, fee, or expense incidental to the obligation without the interest or incidental charge, fee, or expense being expressly authorized by the agreement creating the obligation or without it being legally chargeable to the consumer.

16. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

17. As a result of the above violations of the TDCPA § 392, Defendant is liable to plaintiff Ricardo Ortega for injunctive and declaratory relief and for actual damages, statutory damages, and attorney fees and costs.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant Redline Recovery, Inc., for the following:

- A. Injunctive relief for Defendant's violations of the TDCPA.
- B. Actual damages pursuant to both the FDCPA and TDCPA;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Statutory damages pursuant to TDCPA § 392.

E. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k, TDCPA § 392.

F. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,

By: 

Kim A. Lucas

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RICARDO ORTEGA

DEMAND FOR JURY TRIAL

Please take notice that plaintiff Ricardo Ortega demands trial by jury in this action.